

Remarks

No claims are added or canceled by this amendment, so claims 65, 68, and 71 remain pending in the application. Claims 65 and 71 are amended.

The pending claims are amended to more positively recite a trampoline system that has a **circular** frame and thus is of a type used for athletic and/or recreational jumping.

Support for the added “circular” limitation can be found, for example, in FIG. 2 of the drawings.

Reconsideration of the application, as amended, is respectfully requested.

Cited Patents

Claim 65 and 68 were rejected as allegedly being suggested by the combined teachings of Osborne and Vail. Claims 71 was rejected as allegedly being anticipated by Vail.

Applicants respectfully submit that these rejections should be withdrawn.

Initially, Applicants assert that the following statement, appearing on page 2 of the Office action, is incorrect: “In regard to claims 65 and 68 applicant is reminded that the claims are not limited to a trampoline in its traditional sense.”

Each claim is indeed limited to a “trampoline,” and applicant has no intention that the term be interpreted beyond its “traditional sense” to include, for example, beds for sleeping.

The *Merriam-Webster Online Dictionary*, 2009, defines “trampoline” as: “**a resilient sheet or web (as of nylon) supported by springs in a metal frame and used as a springboard and landing area in tumbling.**” Other dictionaries use similar terminology. There is nothing to suggest that “trampoline” has a significantly broader meaning than those given in common dictionaries.

The presently claimed structures are trampoline systems intended for athletic and/or recreational jumping.

The bed canopy and the bed enclosure of the cited patents do not show or suggest structures that include a trampoline or that are suitable for jumping.

Furthermore, each of the pending claims calls for a trampoline system that comprises plural independent poles. As discussed in Applicants’ preceding response, the cited patents do not show or suggest any system that has independent poles. Vail shows a box-like frame

constructed of highly rigid members, apparently of metal, that are further stiffened by angle brackets. Osborne similarly shows a box-like structure of corner posts joined together by apparently rigid upper end cross bars. Independent poles, as presently claimed, have proven to be quite advantageous in enclosure systems designed for protecting jumpers on trampolines, for which shock absorption ability is important. Frame-like structures of the type shown in Vail and Osborne cannot provide the same benefits and were never intended for use to protect persons jumping on trampolines.

Also, with regard to Claim 65 and 68, it was a surprising discovery that poles which extend five to eight feet above a rebounding mat would be workable in a trampoline system where users can leap high into the air. It was previously believed that taller poles would be required to successfully protect trampoline jumpers (who can jump much higher than is possible from a less resilient surface, such as the bed padding of the cited patents). Prior to the discovery of the presently claimed invention, poles for trampoline enclosures were dangerously rigid and taller than eight feet. Independent poles of shorter lengths were a revolutionary innovation for supporting enclosures to retain persons jumping to high elevations from trampolines. The bed enclosure and bed canopy of the cited patents are not instructive in this regard because the users of beds do not leap to the heights common for trampoline users, if they jump at all.

Further, with regard to claim 68, neither Osborne nor Vail shows or suggests a protective covering located at the upper end of at least one of the enclosure poles of a trampoline system, which is a substantial advantageous feature of the trampoline system of claim 68. Despite apparently extensive prior art searching conducted in association with the defense of a patent infringement lawsuit relating to the grandparent and parent patents (US 6,053,845 and US 6,261,207; *JumpSport, Inc. v. JumpKing, Inc., et al.*, U.S. District Court, ND Cal., No. C 01-4986 PJH), there was no discovery of a prior art trampoline system that employed a protective covering located at the upper ends of trampoline enclosure poles.

And to further clarify that the present invention concerns trampolines for jumping, not beds for sleeping, Applicants hereby amend the claims to specify trampolines at least ten feet in diameter.

In general, safety enclosures for trampolines, which must contain users who leap and jump into the air from highly resilient mats, are not designed in the same manner as bed canopies and bed enclosures. The highly rigid framing of such bed enclosures is designed for structural

strength, not to provide impact safety, as is the presently claimed invention. Persons of ordinary skill do not look to bed accessories to obtain information about trampoline systems.

Information Disclosure Statement

An information disclosure statement was filed for this application on March 5, 2001.

It is respectfully requested that the submitted information be considered and that such consideration be acknowledged.

Conclusion

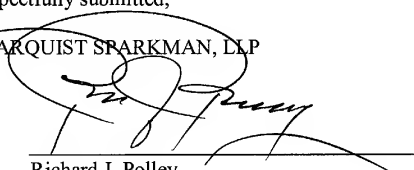
This application is now in condition for allowance, and a Notice of Allowance is requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By


Richard J. Polley
Registration No. 28,107

cc: Client
Docketing